

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

2005 AUG 2
NORTHERN DIVISION 56

CARL ANDRE MOORE, #234274 & 21,
Plaintiffs,

V.

CHARLES S. COODY, UNITED STATES MAGISTRATE,
BOB RILEY, et al.,
Defendants.

RECEIVED
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 2:05-CV-669-F

WRIT OF HABEAS CORPUS

Comes now the Plaintiff Joe Ranger Pickett, Pro Se in the above Class Civil Action hereby file this Writ of Mandamus pursuant to Rule 21 OF the Federal Rules Appellate Procedure to be directed to United States Magistrate Charles S. Coody, for illegally intercepting Plaintiffs Class Civil Action and issuing a declaratory order dated July 26, 2005, without jurisdiction to do so absent Magistrate Consent form in violation of 28 U.S.C.S § 636 (B) and (c) OF the United States Code Service and United States Legislature intent. Plaintiff further contend that United States Magistrate Coody's July 26, 2005 order violated Plaintiffs First, Fourth and Fourteenth Amendment Rights of the United States Constitution pursuant to access to the Courts, illegal Seizure and Equal Protection.

PROCEDURAL HISTORY

On or about July 21, 2005, Plaintiff and 116 other Plaintiffs Filed a Class Civil Action into United States District Court for the Middle District of Alabama With undisputed claims of overcrowding, lack of security, health hazard and punitive Segregation pursuant to 42 USCS § 1983 with a judicial notice informing the District that the defendants does not provide forms pauper's forms for Plaintiffs and requested that the District Court issue an order directing the defendants to do so.

On July 26, 2005, United States Magistrate Charles S. Coody issued orders without the magistrate Consent form that each individual plaintiff to pay the full amount of the required filing fee, and that multiple prisoners are not entitled to enjoin their claims in a single cause of action. Id. Accordingly, the Clerk of this Court is hereby DIRECTED to:

1. Limit the instant cause of action to the first plaintiff listed in the Complaint.
2. Strike all other inmates as Plaintiffs.
3. Provide inmate Moore with a copy of the form affidavit used by persons seeking to proceed in forma pauperis before this Court.

ISSUE FOR REVIEW

WHETHER OR NOT UNITED STATES MAGISTRATE CHARLES S COODY PRIOR TO THE MAGISTRATE CONSENT FORM PROCESS HAD JURISDICTION TO ISSUE THE JULY 26, 2005 DECLARATORY ORDER LIMITING PLAINTIFFS CL-

ASS CIVIL ACTION TO LAYMAN OF THE LAW PLAINTIFF
CARL ANDRE MOORE ? NO!

Plaintiff argue that Magistrate Coody's declaratory order issued July 26, 2005, was in fact prematurely issued prior to the Magistrate Consent Form Process pursuant to 28 USC § 636 (B) and (C) and Legislature intent, and violated all Plaintiffs access to the Courts to have a de novo determination by an Article III Judge of the United States District Court whose decisions are appealable to the Appeals Court pursuant to 28 USC § 1291, and 28 USC § 636 is not which is why the Magistrate Consent Form issue is so relevant. Plaintiff contend that all Plaintiffs have a Fourteenth Amendment right of Equal Protection just as Plaintiffs at Tutwiler Correctional Center who is under the Custody, Care and Control by one and the ^{same} Defendants Bob Riley, et al., and Plaintiff along with other Plaintiffs in their relief respectfully requested to have their Class protected as a whole pursuant to Rule 23 Federal Rules Civil Procedure, and requested for a Article III Judge to adjudicate Plaintiff's Class Civil Action.

CONCLUSION

WHEREFORE, in light of the above Plaintiff respectfully move the district Court to Strike from the record U.S. Magistrate's premature order dated July 26, 2005, and that Plaintiff's relief to undisputed Claims be granted as entitlement pursuant to Rule 56 (c) Fed. R. Civ. Proc., and not excluding to protect Plaintiff and other Plaintiffs interest as a whole.

ple pursuant to Rule 23 Federal Rule Civil Procedure, and that all Plaintiffs Eighth and Fourteenth Amendment Rights of the United States Constitution be upheld as Plaintiffs in the Tutwiler Correctional Center Class action is being upheld in order to satisfy Equal Protection govern by the Fourteenth Amendment of the United States Constitution. In case of a denial Plaintiff in good faith request to take in form a pauper's an interlocutory appeal to the Court of Appeals Eleventh Circuit pursuant to 28 USC § 1291(c), move to stay pending until conclusion of interlocutory appeal.

DONE this 1st day of August 2005.

Respectfully Submitted,
Joe Ranger Pickett, #128361
 Joe Ranger Pickett, Plaintiff
 P.O. Box 150
 Mt. Meigs, AL 36057-0150

VERIFICATION

I hereby verify this 1st day of August 2005, under penalty of perjury that the information contained herein is true and correct.

CERTIFICATE OF SERVICE

I hereby certify this 1st day of August 2005, that I have served a true and correct copy of Mandamus upon U.S. Magistrate Charles S. Coody c/o Office of the Clerk and all defendants by U.S. mail postage prepaid.

Joe Ranger Pickett, Plaintiff